

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JANE DOE,</b>	:	
<b>Plaintiff,</b>	:	<b>CIVIL ACTION</b>
<b>v.</b>	:	
	:	<b>NO. 09-3129</b>
<b>ANRDEA E. SYWULAK, Ph.D.</b>	:	
<b>Defendant.</b>	:	

**ORDER**

**AND NOW**, this \_\_\_\_ day of October 2010, upon consideration of Defendant's Motion to Dismiss (Doc. 4), Plaintiff's Response in Opposition thereto (Doc. 8), and Defendant's Reply (Doc. 10), **IT IS HEREBY ORDERED AND DECREED** that the Motion is **GRANTED in part** as follows:

1. With respect to Count IV of Plaintiff's Complaint for Violation of Civil Rights, this count is dismissed with prejudice for failure to state a claim.
2. With respect to Counts I, II, III, V, VI and VII of Plaintiff's Complaint, they are dismissed without prejudice for lack of subject matter jurisdiction.

**IT IS FURTHER ORDERED** that above-captioned case is **REMANDED** to the Court of Common Pleas of Chester County to resolve Counts I, II, III, V, VI and VII of the Complaint.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall return the record in this case to the state court and mark this action as **CLOSED**.

**BY THE COURT:**

/s/ **Petrese B. Tucker**

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**Hon. Petrese B. Tucker, U.S.D.J.**